

15-04

AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK AMENDING  
CHAPTER 285 OF THE CODE OF THE TOWNSHIP OF  
NORTH BRUNSWICK ENTITLED "SMOKING" TO ADD  
A NEW ARTICLE III, "PARKS AND RECREATION AREAS"  
TO PROHIBIT SMOKING THEREIN

BE IT ORDAINED, by the Township Council of the Township of North Brunswick that Chapter 285 of the Code of the Township of North Brunswick entitled "Smoking" is hereby amended by adding a new Article III entitled "Parks and Recreation Areas" to prohibit smoking therein as follows:

ARTICLE III: Parks and Recreation Areas

**1. § 285.13-PREAMBLE-**

The following are the purposes of this Article:

A. The United States Surgeon General has determined that there is no safe level of exposure to secondhand smoke and that nonsmoking Americans exposed to secondhand smoke in public places are at significantly increased risk of heart disease and lung cancer (See U.S. Department of Health and Human Services, the Health Consequences of Involuntary Exposure to Tobacco Smoke: a report of the surgeon General, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease prevention and Health Promotion, Office on Smoking and Health, 2006); and

B. Smoking is the leading cause of death in the United States and the United State Centers for Disease Control and Prevention has determined that reduction of the death and disease caused by tobacco use and exposure to secondhand smoke is one of the six top national healthcare priorities.

C. Pursuant to N.J.S.A. 40:48-1, North Brunswick is given the authority to adopt ordinances for the public health, safety and welfare of the Township, its citizens, residents and guests; and

D. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than" those provided in the NJSFAA for purposes of "protecting public health."

**§ 288-14 DEFINITION.**

As used in this Article, the following terms shall have the following definitions:

A. SMOKING means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling of smoke or vapor from an electronic smoking device.

B. ELECTRONIC SMOKING DEVICE means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

#### **§ 285-15 SMOKING IN PARKS AND RECREATION AREAS PROHIBITED.**

A. No person shall smoke while in any and all of the Township parks, recreational areas and adjacent parking lots whether owned, leased or utilized by the Township.

B. No person shall smoke in any vehicle owned or leased by the Township.

**§ 285-16-** This Article III of Chapter 285 of the Code of the Township of North Brunswick shall be cross referenced and incorporated by reference into Chapter 234 of the Code of the Township of North Brunswick entitled "Parks and Playgrounds" as new sections 234-34 to 234-39.

#### **§ 238-17 ENFORCEMENT**

A. Whenever the Director of the Department of Parks, Recreation and Community Services or his or her designee or a park patrolman or park personnel or any law enforcement personnel observes or reasonably believes that there exists a violation of the Article, he or she may issue a summons and complaint to the violator. The complaint shall be written and served on the violator. Citizens of the Township may also bring private complaints for violation of this Article.

#### **§ 238-18-VIOLATIONS AND PENALTIES**

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED,** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

**TITLE**

This Ordinance shall be known and may be cited as the Ordinance amending Chapter 285 of the Code of the Township of North Brunswick entitled "Smoking" to add a new Article III, "Parks and Recreation Areas" to prohibit smoking.

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Robert Lombard  
Business Administrator

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Ronald H. Gordon, Esq.  
Township Attorney  
Approved as to legal form

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Lou Ann Benso  
Parks Recreation and  
Community Services

**RECORDED VOTE FIRST READING**

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA				
CORBIN				
DAVIS				
SOCIO				
NICOLA				
ANDREWS				
MAYOR WOMACK				

**RECORDED VOTE SECOND READING**

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
NARRA				
CORBIN				
DAVIS				
SOCIO				
NICOLA				
ANDREWS				
MAYOR WOMACK				

**CERTIFICATION**

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lisa Russo, Township Clerk

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

- ☐ APPROVED
- ☐ REJECTED

\_\_\_\_\_  
Francis Womack, Mayor  
Township of North Brunswick

Date signed: \_\_\_\_\_, 2015